A

CHARGE

DELIVERED TO THE

CLERGY

OF

St. Alban's Archdeaconry,

On THURSDAY APRIL 24, 1760.

BRITISH MUSEUM

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VISITATION,

On THURSDAY APRIL 24, 1760.

By JAMES IBBETSON, D.D.
Archdeacon of ST. ALBAN's.

PUBLISHED AT THEIR REQUEST.

LONDON,
Printed for J. WHISTON and B. WHITE in *Fleet-Street*.
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REVEREND BRETHREN,

WHEN I had last the satisfaction of meeting you upon the same Occasion which now again calls us together, I thought it my duty to remind you of the nature and obligation of the Residence of the Clergy, as stated by our most excellent Diocesan with that clearness and

accuracy which is peculiar to His Lordſhip's manner of writing. What I then offered as a Reply to a late pamphlet entitled "Conſi-"derations on the Statutes 21 & 28 Hen. VIII. "in anſwer to the Interpretation given of "thoſe Statutes by his Lordſhip," as it was drawn up for your uſe, was likewiſe diſpoſed of according to your direction.

The more I conſider this Argument, the more I am confirmed in the ſame opinion; that the Power of the Ordinary is not at all affected by thoſe Statutes, but remains the ſame ſince they have been enacted, as it was before. This is the main queſtion. What has been advanced by the Author of the above-mentioned pamphlet, concerning the ſlavery and bondage of the Clergy and People of this nation thro' the uſurpations and tyranny of the Popes before the times of the Bleſſed Reformation, is very true; but I cannot ſee that it immediately concerns the matter in diſpute. And notwithſtanding their abject ſtate, it is not leſs true, that many rigid Impoſitions enjoyned

joyned by the Decrees of the Councils and the Decretal Letters of the Popes were either not received at all in England, or at leaſt not upon their own Authority. This likewiſe does not in my apprehenſion at all affect the Argument. For it may reſt upon what is granted by him; that many ſalutary Injunctions, which were ſubmitted to by general conſent and afterwards confirmed by uſage, did acquire the force of Laws and become the Laws of the Church in conſequence, as is ſuppoſed, of ſuch uſage and conſent. It is agreed, that the Legatine Conſtitutions ſpeak of Reſidence as a matter ſufficiently ſettled by former Councils, and that the Provincial Conſtitutions do farther declare and enjoyn this Duty. I add, that they and the Laws of the Realm conſider Reſidence as a perpetual Duty, and that the Power of the Ordinary to enforce it remains entire.

But the Ax is laid to the Root of all Eccleſiaſtical Juriſdiction. It has been poſitively aſſerted by him, that the Canon Law, how-

ever it may be admitted to exiſt, can no longer be exerciſed with effect; and this is laid down without any limitation to ſuch Eccleſiaſtical Caſes, concerning which a clear and determinate Rule has once been declared by Statute. And that the Conſequences of this Doctrine may be extended farther than at preſent he thinks fit to carry them, is plainly intimated.

There is however an abſolute Condition under which the Canons may be and actually are exerciſed with effect, viz. if they be neceſſarily requiſite to be put in execution; and there is a negative condition, viz. if they be not repugnant or derogatory to the Laws of the Realm or the Prerogative of the Crown. Nothing can be more evident, than that the Temporal Courts have a Right to take cognizance of the latter condition; but till the Legiſlature interpoſes to determine farther upon the former, whether they be neceſſarily requiſite to be put in execution, their expediency may very properly be allowed to reſt upon

upon the wiſdom of our anceſtors under the ſanction of the ſame Authority.

To apply this reaſoning to the matter of Reſidence. The 21 & 28 Hen. VIII. were certainly intended to enforce Reſidence: they are ſtyled Acts for Reſidence: ſo that the Canons which enjoyn Reſidence are in no ſenſe repugnant to the Intention of the Legiſlature. And if the execution of them be (as has been aſſerted) liable to a Prohibition in the Temporal Courts, this can ariſe only from ſome inaccuracy or colluſion in drawing theſe Statutes. Should the Caſe, which is put, at any time hereafter ariſe, wherein the Ordinary perſiſts either to force an application to himſelf for a Diſpenſation, or to compel by means of Eccleſiaſtical Cenſures the exempted perſons in the Statutes above-mentioned to reſide, the true and original Intention of the Statutes may indeed be defeated by the lamentable doubtfulneſs of the letter, but the Statutes themſelves cannot poſſibly convey a clear and full Privilege of Non-Reſidence.

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The Statute-Law of the Realm, ſo far as relates to the matter I am ſpeaking of, has had the ſame fate with the Canon-Law. The Proviſoes for the Diſpenſations of the Apoſtolic See rendered every Canon that was made againſt Non-Reſidence quite ineffectual; the Abuſe, inſtead of being reformed, was really eſtabliſhed. The Qualifications of the *ſublimes & literatæ perſonæ* were ſo far ſtretched, that any perſon who had a degree in either of the Univerſities obtained the character of the Learned, and all who were in any dependence upon great men came within the other deſcription of high Rank and Birth. In like manner, the Statutes of Henry the VIIIth, which had a direct tendency to produce the contrary effect, have been the occaſion of much ſcandal and diſorder to the Church; tho' they contained indeed a Limitation of the Papal Authority, yet ſo many Proviſions were made for the Nobility and Gentry, that by them, and by them only, the abuſes that had ariſen out of the Canon of one of the worſt Councils that ever was, are authorized and ſettled

among us; and it makes very little difference in itſelf, whether the moſt important Duty of the Clergy be diſpenſed with by the Power of the See of Rome, or of the Parliament of King Henry the VIIIth.

In all caſes where there is any defect or doubtfulneſs in the words of the Law, the Intention of the Legiſlature muſt be admitted to ſupply or explain it; and a conſtruction grounded on the nature of the thing itſelf, which is the object of the Law, and on the beſt informations of hiſtory concerning it, is moſt probably the true conſtruction. The Intention of the Statutes 21 & 28 Hen. VIII. concerning the Reſidence of the Clergy may be fairly collected from the State of the Parliament at that time; wherein among ſeveral other Laws that were made for the public good of the Kingdom, there were Bills ſent up by the Commons againſt ſome of the moſt exorbitant abuſes of the Clergy; and none of them paſſed without many ſevere reflections on the vices and corruptions of that Order.

The

The ſame thing appears from the preamble to the former of theſe Statutes; which was enacted "for the more quiet and virtuous "encreaſe and maintenance of Divine Service, "the preaching and teaching the word of "God, with godly and good example giving, "the better diſcharge of Curates, the main-"tenance of Hoſpitality, the increaſe of De-"votion, and good opinion of the lay fee "towards the Spiritual perſons." It cannot be imagined, that this Act was intended to favour the Clergy with an exemption of privileged perſons from any other penalties, than ſuch as are inflicted by the Act itſelf. For it was grafted upon another Bill againſt Spiritual perſons taking Eſtates to farm, with which this Act begins: it ſeems that in carrying on the one ſuch a temper ſhewed itſelf, that the other was added to it: And from ſeveral clauſes in the Act itſelf it appears, that it was a proviſional Act only, tho' it is conceived in the ſtyle of a perpetual Law, obtained by the King when He was beginning to threaten the

the See of Rome in the buſineſs of His Divorce.

In the Rules that our Reformers had prepared with relation to Non-Reſidence not long after theſe Statutes were enacted, we may ſee what was their ſenſe concerning them, who prepared our Offices and were the chief Inſtruments in the Bleſſed work of our Reformation. The Canons likewiſe of the year 1571, tho' there was not then power in the Church to enforce the Reſidence of the Clergy, ſtrongly expreſs her deteſtation of Non-Reſidence; and in thoſe of 1597, the Pluraliſt is required to ſpend a good part of the year in both his Benefices. All which ſeems to evince, that the Statutes of Henry the Eighth were in the opinions of the wiſeſt men in that age enacted to enforce Reſidence; unleſs a Convention of Eccleſiaſtics making Canons meant to defeat the Reſolutions of the Parliament. This would hardly have been born with; and to ſpeak the truth, it happens very well that the Church is more apt to be influ-

enced by the State, than the State to be controled by the Church.

Let me add, that ſince our Offices of Ordination are a part of our Liturgy, and the Act of Uniformity, which makes theſe Offices a part of the Law of England, is ſubſequent to the Acts of Henry the Eighth, the Argument is much ſtronger, that theſe Statutes provide only privileges for ſuch as may be capable of an Exemption from the Penalties which they inflict, and do not convey a clear and full privilege of Non-Reſidence. Now by the principles of law, all exemptions from the common and general rules being odious things, and the conſtructions of law lying hard and heavy againſt odious caſes, the Ordinary has great Authority to enforce Canonical Reſidence. If the Offices of Ordination are conceived in the ſtrongeſt words that could be choſen to convey the deepeſt ſenſe of all the duties of the Clerical Function, if our Promiſes made to God at the Altar be ſacred, if the Stipulation between the Prieſt and the Church

Church be of indiſpenſible obligation, then I am ſure, all theſe conſiderations put together are a good plea in bar to what is called a favourable conſtruction of the Statutes above-mentioned.

A late Apologiſt for the Clergy; we plainly diſcern him through the thin diſguiſe of a fictitious name and character: his pamphlet has an internal evidence of its real author, for who but Dr. W. himſelf would have quoted Dr. W's Eccleſiaſtical Hiſtory? this affected Apologiſt, I ſay, may poſſibly have deceived ſome into a good opinion of his pretenſions; but ſuch as are acquainted with *facts* have reaſon to ſuſpect them, and to cenſure the indecency of ſome groſs miſrepreſentations. And whatſoever may be the force of ſome Laws made in bad times and perhaps, under a ſpecious title, for bad purpoſes, tho' if well executed they might be productive of much good; every wiſe friend to the Body to which he is united will wiſh many ſcandalous exceſſes to be reſtrained by every legal coer-

cion; whoſo has a real concern for Religion will be glad, that there remains in the hands of thoſe who are intruſted with the Care of it ſome Power and Authority to promote its true Intereſts among men.

It is a melancholy Reflection, that the Argument from the neglect of the Paſtoral Duty, which gave ſo good an opportunity and ſo great an advantage to the Reformers, is now againſt this Proteſtant Church; and has moreover an unhappy influence upon the people, in turning the hearts of many from their careleſs Paſtors to others who ſhew more zeal and concern for the ſouls of men. The Example of the Unreformed Churches, the Proviſions too of a pretended General Council, are to us Reproaches indeed: for tho' they open a door to as many Corruptions as the See of Rome thinks fit to diſpenſe with, yet whereſoever that Council is received, the obligation of Reſidence, tho' it be not declared thereby to be of Divine Right, is ſeldom eluded; and in France, where that Council is not received, notwithſtanding

notwithſtanding the ſevere reproaches that have been caſt on the Rulers of the Gallican Church, ſuch regard is had to ancient Diſcipline, that Non-Reſidence is not ſo much as heard of.

And here I will leave this Topic, having perhaps ſaid more than enough to evince, that the Canons relative to the Reſidence of the Clergy are not repugnant or derogatory to the Laws of the Realm. The other Condition under which they may be exerciſed with effect is abſolute, viz. that they be neceſſarily requiſite to be put in execution.

And that they are ſo will be readily admitted, with reſpect to the people committed to our care. The corrupt nature of man has ever been a ſerious call upon the Parochial Miniſters to take care of the flock, over which Chriſt hath made them Overſeers; to ſtudy their ſpiritual Good, and to warn them of the danger to which they may at any time be expoſed either in Principle or in Practice;

to

to labour conſtantly and faithfully in this work. Now it is not poſſible to diſcharge this ſtrict and moſt ſolemn obligation without perſonal Reſidence; which therefore the Church binds upon us not only by the Charge which ſhe has appointed to be given before Ordination, but alſo by the Vows and Promiſes that ſhe demands of ſuch as are ordained; and herein ſhe only enforces the Divine Law, according to which they who do not wait at the Altar, ought not to be partakers with the Altar. The Exemption, whatever it be, is by the Statute; but the Duty is *Jure naturali & divino*. An Act of Parliament gives a title to a free-hold; it may qualify a man in law to enjoy a Benefice whether he labours in it or not; but it can never cancel a Duty which ariſes from the nature of the thing, and is deducible alſo from the Divine Law; it can never diſſolve the obligation to Reſidence and perſonal labour.

But it has not been ſo uſual to conſider the utility of Reſidence with reſpect to ourſelves,

ſelves, excluſively I mean of the great importance of the obligation.

The happineſs of man conſiſts not in a life of pleaſure, nor yet in the abundance of worldly poſſeſſions. True happineſs flows from the ſtate of the mind, from the good affections of the heart, from comfortable reflections, and from pleaſing proſpects. What an amiable idea may be raiſed from hence of the true Character of a Clergyman? who having ſeparated himſelf from the follies and vanities of the world, is devoted entirely to the ſervice of God; whoſe life is in his Duty; and the purſuit of that noble deſign, a paſſionate deſire to ſave Souls, is his conſtant and invariable employment.

If a Clergyman, in contradiction to his true Character and deſign of life, be ambitious to raiſe a family or a fortune, the attempt is improper and abſurd. And very many who have been ſo hardy as to ſet about it, have met with nothing in the end but diſgrace and diſappointment,

diſappointment, and, which is the foreſt of all evils, the uneaſy reflection that they neglected the one thing needful. Or if they have with much aſſiduity and contrivance arrived at the

— Sapientum Templa ſerena,
Deſpicere unde queant alios —

yet there is neither honour, nor any true ſatisfaction to themſelves in their promotion; which moreover is a great offence to all good men.

But the Ambition which ariſes from a ſenſe of true Merit and a conſcientious diſcharge of the Duties of the Clerical Office, is truly laudable. It is a debt which every man owes himſelf and the honour of his Profeſſion, to endeavour to advance himſelf by a conduct ſuitable thereto. The Elders that rule well are counted worthy of double honour, eſpecially they who labour in the word and doctrine. And there is moreover another obligation, which has the ſanction of the ſame Apoſtle: if any provide not for his own and eſpecially for thoſe of his own houſe, he hath denied the faith and is worſe than an Infidel.

On

On theſe principles I will venture to affirm, that Pluralities, inſtead of being a reproach to the Church, as they were in the times of Popery, are convenient and neceſſary to its decent ſupport. Let them who are of the contrary opinion conſider the unhappy neglect of a ſuitable proviſion for a married Clergy, at the time of the Reformation—that no Reſtitution was then made to the Pariſh-Prieſts of what the Popes had ſacrilegiouſly taken from them—that of nine thouſand Benefices near ſeven thouſand are under one hundred pounds per annum, five thouſand of which do not exceed fifty, two thouſand do not exceed twenty, and five hundred do not exceed ten—and that there are more than ſix thouſand Impropriations to half the number of preſentative Rectories. Let them attend to the pious wiſh of Mr. Selden himſelf, who did not write his *hiſtory of tythes* in favour of the Church and Clergy, "that at the Diſſolution of the Mo-
"naſteries, both the Lands and impropriated
"Tythes and Churches poſſeſſed by them had
"been beſtowed rather for the advancement

"of the Church to a better maintenance of "the labouring and deſerving Miniſtry"—and then let them ſay, whether in the preſent State of the Church Pluralities are not fully defenſible; the Canonical Obligation of Reſidence remaining entire. Nor do I mean a bare Reſidence without labouring, which is but a mock Reſidence. A worthy Pluraliſt may divide his labours very ſucceſsfully: he may diſtribute the bread of life in ſuch manner, that they who have leaſt may have no lack; he may be a more vigilant and conſtant Paſtor than another, who is obliged perhaps to ſeek out for ſome additional aid to a ſmall Benefice, a Curacy or a School; or who reſides wholly upon a worldly conſideration, becauſe his Reſidence is the moſt likely means to advance the value of his tythes; or who occupies his ſingle Benefice as a farm, or enjoys it as a *Living* according to the common abuſe of the word, which conveys a groſs and carnal idea, and, I fear, has a bad influence on the minds both of the Clergy and the Laity.

And

And it is certainly more for the Intereſt of Religion, that many worthy men ſerve two Churches and divide their labours between them, than that diſtinct Clerks ſhould be allotted to many ſingle Benefices, whoſe ſcandalous proviſions are too apt to make ſcandalous Incumbents, which is one of the greateſt misfortunes of our Church.

I will detain you no longer, than while I remind you of an Injunction of our Right Reverend Dioceſan at His Lordſhip's primary Viſitation. It was this: that every Incumbent ſhould prepare a true Note and Terrier of all the Glebes, Lands, Meadows, Gardens, Orchards, Houſes, Stocks, Implements, Tenements, and all Rights, Goods and Chattels whatſoever, which are belonging to his Parſonage or Vicarage. It is very obvious of what uſe ſuch Terriers are for the preſervation of thoſe Rights, for which they were enjoyned by the eighty-ſeventh Canon. They are the authentic Records of the Poſſeſſions of the Church, and as ſuch are of force when produced

duced in a Court of Judicature. And you, my Reverend Brethren, will, I doubt not, be very careful that ſuch Terriers of your reſpective Parſonages and Vicarages, taken by yourſelves with the aſſiſtance of other honeſt men, be fairly written out againſt my enſuing Parochial Viſitation, or engroſſed in two fair copies of parchment, whereof one is to be laid up in the Pariſh-Cheſt, and the other in the Biſhop's Regiſtry.

FINIS.

6 JU 65